REMARKS

[0003]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 3, 9-13, 15 and 18-19 are presently pending.   Claims amended herein are 1, 9, 13, and 18-19.   Claims cancelled herein are 7-8, 14 and 15-16. No new claims have been added.

Statement of Substance of Interview

[0004]   The Examiner graciously talked with me—the undersigned representative for the Applicant—on January 26, 2009.   Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005]   During the interview, I discussed how the claims differed from the cited references. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006]   The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed clarifying claim amendments appeared to advance the case. However, the Examiner indicated that she would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0007]   Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable

over the cited references of record for at least the reasons discussed during the interview.

Claim Amendments

[0008]   Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 9, 13, and 18-19 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

[0009]   Claim 1 is amended to include subject matter from dependent claims 6, 7 and 8.

[0010]   Claim 13 is amended to include subject matter from dependent claims 14, 16 and 17.

Substantive Matters

Claim Rejections under §103

[0011]   Claims 1, 3, and 7-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mittal et al. (U.S. Patent Application Publication No. 2005/0286764) in view of DeMenthon et al (Spatio-Temporal Segmentation of Video by Hierarchical Mean Shift Analysis, July 2002) in further view of Mojsilovic et al (U.S. Patent No. 7,043,474).

[0012]   In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0013]   Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Independent Claim 1

[0014]   Applicant submits that combination of Mittal, DeMenthon, and Mojsilovic does not teach or suggest at least the following features as recited in this claim (with emphasis added):

Serial No.: 10/814,851
Atty Docket No.: MS1-1895US
Atty/Agent: Jason F. Lindh
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- "receiving an interactive user input identifying a group of the three dimensional volumes, the three dimensional volumes of contiguous pixels comprise segments, wherein the interactive user input comprises outlining a plurality of segments, the outlining being performed on a number of keyframes of the video, the number of keyframes being fewer than a total number of frames of the video, and **additional segments on frames of the video other than keyframes are identified by determining a relationship of the additional segments to the segments outlined on the keyframes;**"

[0015]   The Examiner indicates (Action, p. 7, in rejecting dependent claim 8) the following with regard to this claim element:

> As to claim 8, Mittal teaches the method of claim 7, wherein additional segments on frames of the video other than keyframes are identified by determining a relationship of the additional segments to the segments outlined on the keyframes, (figures 9-11; paragraph [0079].

[0016]   Applicant would initially point out that that figures 9-11 are illegible in their present state. Because of the quality of the images in the electronic file, it is impossible to determine if Figures 9-11 depict anything other than misshapen blobs. The quality of the drawings relied upon by the Examiner make it near impossible for the Applicant to adequately respond to the Examiner's rejections. Applicant respectfully requests that the Examiner discontinue relying upon the poor

quality images or provide a decent set of images that properly depict that which they are attempting to represent.

[0017]   As to the teachings of paragraph [0079] of Mittal, Mittal states:

> [0079] Although such a fixed bandwidth approach can be used, use of variable bandwidth usually leads to an improvement in the accuracy of the estimated density. The reason is that a smaller bandwidth is more appropriate in regions of high density since a larger number of samples enables a more accurate estimation of the density in these regions. On the other hand, a larger bandwidth is more appropriate in low density areas where few sample points are available.

[0018]   Mittal does not teach of suggest "additional segments on frames of the video other than keyframes are identified by determining a relationship of the additional segments to the segments outlined on the keyframes" as presently claimed by independent claim 1. The cited portion of Mittal does not teach or suggest anything regarding keyframes and frames other than keyframes. Nor does the cited portion of Mittal teach of suggest determining a relationship of the additional segments to those segments outlined in the keyframe. As such, the combination of cited art fails to teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 3 and 9-12

[0019]   These claims ultimately depend upon independent claim 1.   As discussed above, claim 1 is allowable.   It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 13

[0020]   Applicant submits that combination of Mittal, DeMenthon, and Mojsilovic does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- "deriving a set of edge sheets that represent the surface of the single semantic region and associating the edge sheets with the semantic region, wherein a thickness of the edge sheets is determined based on criteria associated with the single semantic region and **the criteria comprises a position of the edge sheet relative to an arclength of the edge sheet**"

[0021]   The Examiner indicates (Action, p. 8, in rejecting dependent claim 17) the following with regard to this claim element:

As to claim 17, DeMenthon et al teaches a computer-readable medium of claim 16, wherein the criteria comprise a position of the edge sheet relative to an arclength of the edge sheet (section 2 and 5).

[0022]   DeMenthon does not teach that the "criteria comprises a position of the edge sheet relative to an arclength of the edge sheet" as presently claimed by independent claim 13.   Indeed, DeMenthon makes no mention of an arclength of the edge sheet.   As such, the combination of cited art fails to teach or suggest all of the elements and features of this claim.   Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 15, 18 and 19

[0023]   These claims ultimately depend upon independent claim 13.   As discussed above, claim 13 is allowable.   It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, some or all of these claims may also be allowable for additional independent reasons.

Conclusion

[0024]   All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

   /Jason F. Lindh Reg. No. 59,090/   Dated: 2009-01-26

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